IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12334 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SATISH ALIAS CHAMPAK NAGINBHAI KOLI PATEL

Versus

COMMISSIONER OF POLICE

Appearance:

MS DR KACHHAVAH for Petitioner

MR HH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/02/2001

ORAL JUDGEMENT

#. Heard the learned counsel for the parties. Challenge has been made by the petitioner to the order dated 23-10-2000 under which he was detained as a bootlegger.

#. Challenging the order of detention, learned counsel

for the petitioner raised manifold contentions but as this petition deserves to be allowed only on one ground, it is not necessary to refer, discuss and decide on all other contentions.

#. One of the contentions is raised by the learned counsel for the petitioner challenging the order of detention of the petitioner that there is undue delay in passing of the detention order. Necessary factual foundation in support of this contentions has been given by the petitioner in para-18 of the special civil application. This delay which is there in passing of the detention order has not been explained by the respondents. The case was registered against the petitioner on 12-6-2000. The petitioner was enlarged on bail on 14-6-2000. The statements of two secret witnesses were recorded on 1-9-2000 and 2-9-2000 while the order of detention has been passed on 23-10-2000. The delay at all stages has not been explained by the respondents. It is to be mentioned that the respondents have not cared to file reply to the special civil application and as such the averments made in para-18 of the special civil application stand uncontroverted.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 23-10-2000 is quashed and set aside. The petitioner Satish @ Champak Naginbhai Koli Patel, detenu, at present in Bhavnagar District Jail be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

****

zgs/-